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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,350	07/06/2000	Louis H. Sciupac	DTC 99-09	6397
3897	7590	08/05/2004	EXAMINER	
SCHNECK & SCHNECK P.O. BOX 2-E SAN JOSE, CA 95109-0005			LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,350

Applicant(s)

SCIUPAC, LOUIS H.

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/20 and 4/22 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDSs) submitted on 4/20/2004 and 4/22/2004 have been considered by the examiner.

Drawings

2. The drawing corrections were received on 5/18/2004. These corrections are acceptable.

Specification

3. The specification corrections were received on 5/18/2004. These corrections are acceptable.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Valerij et al., US Patent number 5,790,662.

With regard to claims 1, 3, 8 and 13, Valerij discloses a secure transactions system including information carriers (column 1 lines 41-44) distributed to users (column 2 lines 50-51), each having data storage medium (column 1 lines 48-50) to store encrypted (column 6 lines 26-31) messages, keys, signatures and digital certificates (column 1 line 50 and column 5 lines 6-

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15), and a drive (column 3 lines 37-39) connected to a computer (column 8 lines 18-25) having communication protocols for all communication which allow encryption of the messages (column 5 lines 52-57).

Valerij discloses the carrier having a processing circuit (column 1 lines 8-9), which carries out cryptographic functions for the system. The circuit exists in the card, as apposed to being in the drive, to authenticate the drive (column 5 lines 57-65). Removing this security check in a secure system, with tamper-resistant drives to save money would be obvious to one of ordinary skill in the art. The examiner takes official notice that tamper-resistant drives are used to add security to a system. It would have been obvious for one of ordinary skill in the art to implement a tamper-resistant drive in the system disclosed by Valerij to add security, and allow for cheaper carriers to be needed.

With regard to claim 2, the examiner takes official notice that network communications are commonly encrypted. It would have been obvious for one of ordinary skill in the art to encrypt network communications in the system disclosed by Valerij to make the system more secure.

With regard to claims 4-7, Valerij discloses the media is optical (column 1 lines 48-49).

With regard to claims 9, 10 and 12, Valerij discloses a PIN is stored in the carrier (column 6 lines 56-58).

With regard to claim 11, Valerij partitions the information into the data storage of the circuit, and the optical markings, each containing the signature (column 1 lines 45-52).

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With regards to claims 14-17, Valerij discloses that aspects of the system are modifiable (column 7 lines 22-30).

Response to Arguments

6. Applicant's arguments filed 5/18/2004 have been fully considered but they are not persuasive. Applicant argues that the rejection of the prior office action suggests removing a security check from Valerij, which teaches against the principle operation of the invention. The examiner points out that the prior office action states that it would have been obvious to one of ordinary skill in the art that a tamper-proof drive could be substituted for this check. In this obvious substitution there would be no loss of security, and it does not teach away from Valerij.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 703-305-0716. The examiner can normally be reached on 7:00 - 4:00 (M-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2134